
UNITED STATES DISTRICT COURT**SOUTHERN DISTRICT OF TEXAS**

EUGENE SHANNON ABNER,
TDCJ 642616,

Plaintiff,

*versus*THE COURT OF CRIMINAL APPEALS, *et al.*,

Defendants.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION H-07-1554

Opinion on Dismissal

Eugene Shannon Abner sues The Texas Court of Criminal Appeals, the 180th District Court of Harris County, Prison Director Brad Livingston, the Texas Attorney General's Office, and Warden David Sweetin under 42 U.S.C. § 1983.

Abner's claims follow. The Texas Fourteenth Court of Appeals allowed another person to submit papers in Abner's appeal. This is identity theft. The Texas Attorney General did not investigate Abner's grievances. Abner seeks an investigation by this court and \$3,500,000 in damages.

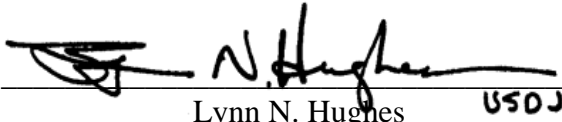
Abner's appeal is still pending. *See Texas vs. Abner*, 14-06-00310-CR (Tex. App.—Houston [14th Dist.] 2000). Abner should seek relief in the first instance from the Texas Court of Appeals about this problem. Furthermore, Abner has not shown a due process or other constitutional violation. *Davidson v. Cannon*, 474 U.S. 344, 347-48 (1986) (officials lack of care resulting in serious injury “does not approach the sort of abusive government conduct the Due Process Clause was designed to prevent.”).

Abner does not state a claim recognized at law. This case will be dismissed. 28 U.S.C. § 1915(e)(2)(B).

Abner's motion to proceed as a pauper (2) is granted. The Texas Department of Criminal Justice will deduct 20% of each deposit made to Abner's inmate trust account and pay this to the court regularly, provided the account exceeds \$10, until the \$350 filing fee

is paid. The clerk will send a copy to the Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, Fax: 936-437-4793, and to the District Clerk for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas 75702, Three Strikes List.

Signed on May 23, 2007, at Houston, Texas.



Lynn N. Hughes
United States District Judge

UNITED STATES

DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

EUGENE SHANNON ABNER,
TDCJ 642616,

Plaintiff,

versus

THE COURT OF CRIMINAL APPEALS, *ET AL.*,

Defendants.

§
§
§
§
§
§
§
§
§

CIVIL ACTION H-07-1554

Final Judgment

This case is dismissed for failure to state a claim recognized at law. 28 U.S.C. § 1915(e)(2)(B).

Signed _____, 2007, at Houston, Texas.

Lynn N. Hughes
United States District Judge